

**7421.0600 FALSE INFORMATION; DISQUALIFICATION.**

Subpart 1. **False information confirmed.** The commissioner shall disqualify the CDL privilege of a CDL holder or a driver applicant if the commissioner has sufficient cause to believe that, during a check of the driver applicant's status and record prior to issuing the CDL or CLP, or at any time after the CDL or CLP is issued, the CDL holder or driver applicant has falsified information in:

- A. the self-certification form;
- B. the valid medical examiner's certificate or current medical waiver required under Minnesota Statutes, section 171.162; or
- C. any of the documents required under Code of Federal Regulations, title 49, part 383.71, 383.73, or 383.95.

Subp. 2. **Term.** The disqualification period under subpart 1 is for 60 days from the date of the commissioner's decision. The commissioner shall record the disqualification on the CDL holder's or driver applicant's driving record.

Subp. 3. **Appeal.** A person who disagrees with the commissioner's decision under subpart 1 may request a contested case hearing. The request for a contested case hearing must be submitted in writing to the commissioner within 15 days of the written notification under subpart 1. The request for a contested case hearing must set out in detail the reasons why the person contends the decision of the commissioner should be reversed or modified. If the commissioner receives a written request for a contested case hearing, the commissioner shall schedule a hearing within 30 days after the request is received under the procedures in Minnesota Statutes, sections 14.57 to 14.62, and the contested case rules of the Office of Administrative Hearings in parts 1400.5010 to 1400.8400. The decision of the administrative law judge shall be submitted to the commissioner for the commissioner's consideration. The commissioner's decision of the issue under appeal is the final decision of the department.

Subp. 4. **Notice.** The commissioner shall send written notice to the CDL holder or driver applicant upon disqualifying the CDL privilege under subpart 1. The notice must state the duration of the disqualification period.

Subp. 5. **Reinstatement of CDL privilege after disqualification.** The commissioner shall not reinstate the CDL privilege of a driver whose CDL was disqualified under subpart 1 until the driver:

- A. has met the disqualification period; and
- B. provides the commissioner with required documentation for the category of motor vehicle operation that the driver operates, or expects to operate, to which the driver or driver applicant has certified in the self-certification form.

**Statutory Authority:** *MS s 171.09; 171.162; L 2010 c 242 s 10*

**History:** *36 SR 809*

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